IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 824 OF 2004
IN
Summary SUIT NO. 2849 OF 2004

Ramesh Chaturdas Sheth .... Plaintiff
vs.
Ila Anant Bhatt ... Defendant

R. V. Govilkar for Plaintiff
J. J. Thakkar for defendant

CORAM: S. U. KAMDAR J.

Date: 28/9/2005

P.C.

1. The present suit is filed on a dishonoured cheque in the sum of Rs.5,00,000/- . The defence raised by the defendant is that the defendant came in contact with the Plaintiff through a matrimonial advertisement on 19th May 2001, for the marriage proposal of his son Paresh. The defendant having a marriageable aged daughter and therefore she approached the Plaintiff. It is the case of the defendant that after coming into contact with the Plaintiff, the Plaintiff persuaded the defendant to enter into a havala transaction for Rs.5 lakhs. It si the case of the defendant that the Plaintiff made her to open the account in his bank and thereafter made her deposit the cheque and

withdrew the case amount. It is her further case that the Plaintiff also took away blank cheques and now utilized the same for filing of the present suit. The learned advocate for the defendant has relied upon a complaint dated 6th September 2001 filed by the defendant with the police. It is the case of the defendant that in view of the facat that the said amount is obtained in a fraudulent manner the defendant is not liable to make payment to the Plaintiff. I do not find any substance in the aforesaid defence. The defence raised is based on no material evidence and thus I reject the same.

2. However, with a view to give an opportunity to defend the suit, I direct the defendant to deposit a sum of Rs.5,90,000/- in this court within a period of 4 weeks, failing which the Plaintiff will be entitled to a decree. The amount so invested will be invested by the Prothonotary and Senior Master in fixed deposit in any nationalised bank, initially for a period of three years and renew the same from time to time till further orders.

3. If the amount is paid as aforesaid, then suit is transferred to the list of Commercial causes. Written statement or points of defence to be filed four weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within

four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

(S. U. KAMDAR J.)